

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARGARET SHERMAN, RICHARD  
SHERMAN,

Plaintiffs,

vs.

SHANGLI JIN XIN EXPORT  
FIREWORKS FACTORY; SUNSONG  
AMERICA, INC.; SHIU FUNG  
FIREWORKS CO. LTD.; WINCO  
FIREWORKS, INC.; WINCO  
FIREWORKS INTERNATIONAL, LLC;

Defendants.

CASE NO. 8:04CV300

MEMORANDUM  
AND ORDER

This matter is before the Court on the Report and Recommendation of Magistrate F.A. Gossett (Filing No. 57) recommending that Robert J. Weaver's pro se motion to be removed from the case (Filing No. 38) be granted. In his order at Filing No. 56, Judge Gossett explains that Weaver became involved in the action by reason of the Plaintiffs' good faith attempt at service of process upon the Defendants.

Although there is no objection to the Report and Recommendation, the Court has conducted a *de novo* review of the record pursuant to 28 U.S.C. § 636(b)(1) and NE(Civ)R 72.3. Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety. Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 57) is adopted in its entirety;
2. The pro se motion to be removed from the action filed Robert J. Weaver (Filing No. 38) is granted; and

3. Robert J. Weaver is dismissed as a party and as an interested party from this action without prejudice.

Dated this 13<sup>th</sup> day of June, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge